

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of DOUGLAS N. MODLIN

Dated: April 11, 2001

Serial No.

09/759,711

Filed

January 12, 2001

For

EVANESCENT FIELD ILLUMINATION

DEVICES AND METHODS

Commissioner for Patents Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98

Pursuant to applicant's duty of disclosure under 37 C.F.R. § 1.56, applicant is submitting this information disclosure statement under 37 C.F.R. §§ 1.97 and 1.98 to bring to the attention of the U.S. Patent and Trademark Office the references listed on the attached PTO-1449 forms. The listing of these references and/or the submission of copies of any of these references is not an admission that the listed or submitted references are prior art for this application.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on April 11, 2001.

Gillian Gardner

Respectfully submitted,

KOLISCH, HARTWELL, DICKINSON, McCORMACK & HEUSER

James R. Abney

Registration No. 42,253

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204 Telephone: (503) 224-6655 Facsimile: (503) 295-6679

Attorney for Applicant

Dated: April 12, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Little Application of OUGLAS N. MODLIN

Serial No.

09/759,711

Filed

January 12, 2001

For

THE CHILLIANS TO STATE OF THE S **EVANESCENT FIELD ILLUMINATION**

DEVICES AND METHODS

Commissioner for Patents Washington, D.C. 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98

Pursuant to applicant's duty of disclosure under 37 C.F.R. § 1.56, applicant is submitting this supplemental information disclosure statement under 37 C.F.R. §§ 1.97 and 1.98 to bring to the attention of the U.S. Patent and Trademark Office the references listed on the attached RTO-1449 forms. The listing of these references and/or the submission of copies of any of these references is not an admission that the listed or submitted references are prior art for this application.

For each foreign document for which there is no translation, a brief description of relevance follows:

European Patent No. 0 259 386 B1 - This reference appears to disclose microplates as illustrated in the figures.

European Patent No. 0 977 037 A1 – This reference appears to disclose apparatus for conveying a plurality of sample holders.

European Patent No. 1 003 020 A1 - This reference appears to disclose apparatus

conveying a plurality of cylindrical objects.

European Patent No. 1 003 039 A1 – This reference appears to disclose apparatus

or. Inveying a plurality of cylindrical objects.

German Patent No. DE 298 05 613 U1 - This reference appears to disclose miniature microplates for HTS-screening, as illustrated in the figures.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on April 12, 2001.

Gillian Gardner

Respectfully submitted,

KOLISCH, HARTWELL, DICKINSON, McCORMACK & HEUSER

James R. Abney

Registration No. 42,253

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204 Telephone: (503) 224-6655 Facsimile: (503) 295-6679

Attorney for Applicant

	149 DRMATION DISCL TION IN AN APPLI		L.	OCKET NUMBER JL 109A1		APPLICATION NUMBER 09/759,711						
اد اا			- 1	APPLICANT Douglas N. Modlin								
WIN OF THE PARTY O			1	FILING DATE January 12, 2001 GROUP ART UNIT								
ANT 8		U.S. PA	ATEN	ENT DOCUMENTS								
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME CLASS					SUB FII CLASS IF A			
	<u> </u>											
		FOREIGN	PAT	ENT DOCUMENT	ΓS							
	DOCUMENT NUMBER	DATE		COUNTRY	CLA	ASS	SUB CLASS	YE		LATION NO		
	WO94/29024	12/22/94	WIP	0			·····	XX	ζ			
	WO98/46981	10/22/98	WIP	0				ζ				
	WO99/04228	01/28/98	WIPO					XX	ζ			
	WO99/08233	02/18/99	WIP	0				XX				
	WO99/23466	05/14/99	WIP	0					ζ.			
	WO99/37203	07/29/99	WIP	0				XX	ζ			
	WO99/42817	08/26/99	WIP	0				XX	ζ			
		OTH	IER D	OCUMENTS								
	Total Internal Rej February 1978.	lection: a Deep	er Look	, Mahan et al., Applie	d Op	tics, V	ol. 17,	No. 4,	, pp. 5	09-519,		
		Recovery or Cori		ecules by Total Internet Spectroscopy, Thom								
,		nbrane Targets i	by Cohe	Contact Region betwee erent Evanescent Radi 45, June 1982.								
	Surface Binding Rates of Nonfluorescent Molecules May Be Obtained by Total Internal Reflection with Fluorescence Correlation Spectroscopy, Thompson, Biophysical Journal, Vol. 38, pp. 327-329, June 1982.											
	Fringe Pattern Photobleaching, a New Method for the Measurement of Transport Coefficients of Biological Macromolecules, Davoust et al., EMBO, Vol. 1, No. 10, pp. 1233-1238, 1982.											
	Total Internal Reflection Fluorescence: A Technique for Examining Interactions of Macromolecules with Solid Surfaces, Lok et al., Journal of Colloid and Interface Science, Vol. 91, No. 1, pp. 87-103, January 1983.											
EXAMINER				DATE CONSIDERED								

	149 DRMATION DISCL TION IN AN APPLI		- 1	OCKET NUMBER LJL 109A1			licati 759,71		OMBI	έR
PE JC186		om on	- 1	PPLICANT ouglas N. Modlir	n	<u> </u>				
Ru e yr	A CONTRACTOR			LING DATE nuary 12, 2001		GRC	UP AR	T UNI	Т	
ONTENT & TRADE		U.S. PA	TEN	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME		CLAS		UB .ASS		L. DATE APPROP.
		FOREIGN	PAT	ENT DOCUME	NTS	-				
	DOCUMENT NUMBER	DATE		COUNTRY	CL.	ASS	SUB CLASS	YES		LATION N
	WO99/54711	10/28/99	WIP	Ю				XX		
	WO99/60630	WIP	/IPO				XX			
	WO00/04364	01/27/00	WIP	О				XX	ζ	
	WO00/05336	02/03/00	WIP	О				XX		
	WO00/06989	02/10/00	WIP	О				XX	(
	WO00/06990	02/10/00	WIP	О				XX		
	WO00/06991	02/10/00	WIP	WIPO				XX		
		OTH	IER D	OCUMENTS						
	Protein Adsorption et al., Journal of C	n on Crosslinked folloid and Interfa	Polydi ace Scie	methylsiloxane Using ence, Vol. 91, No. 1,	<i>Total I</i> pp. 104	nterna -116, J	l Reflect	tion Fl 1983.	uores	cence, L
	Total Internal Rej 19-28, January 19		cent M	icroscopy, Axelrod e	et al., <u>Jo</u>	ournal	of Micr	oscop	y, Vo	l. 129, p
				cs Studied by Total I al., <u>Biophysical Jou</u>						
				Study of Energy Tran Biochemistry, Vol.				rbed a	and D	issolved
				Fluorescence Emiss 7, December 1984.	sion an	d Dete	ction, E	Burgha	rdt et	al.,
				layers Detected by the Thompson et al., <u>Bi</u>						
	Total Internal Rej 268, 1984.	flection Fluores	cence,	Axelrod et al., <u>Ann.</u>	Rev. B	iophys	. Bioen	g., Vo	1. 13,	pp. 247
EXAMINER			DATE CONSIDERED							

	DRMATION DISCL TION IN AN APPLI		l l	OCKET NUMBER JL 109A1		APPLIO 09/75			JMBI	ER
OLD E SON	स्ति हैं			PPLICANT ouglas N. Modlin	. •					
LER 1			- 1	FILING DATE GROUP ART UNIT January 12, 2001						
THE THANK		U.S. PA	ATEN	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME		CLASS		UB ASS		L. DATE APPROP.
							<u> </u>			
		FOREIGN	PAT	ENT DOCUMEN	rs —					
	DOCUMENT NUMBER	DATE		COUNTRY	CLAS		LASS	YES		LATION NO
	WO00/42209	07/20/00	WIP	0				XX		
	WO00/50877	08/31/00	WIP	0				XX		
	WO00/55372	09/21/00	WIPO WIPO					XX		
	WO00/66269	11/09/00						XX		
	WO01/04608	01/18/01	WIP	0				XX		
	0 204 109 A2	12/10/86	EPO					XX		
	0 259 386 B1	04/17/91	EPO							XX
		OTE	IER D	OCUMENTS						
				73 Fibroblasts Studied ournal of Cell Biology						oril 1985.
				vealed by Total Interniology, Vol. 100, pp.					ce of	Volume
				Measurement of Spatie terfaces, Thompson et						
				nnes: Measurement by the in the Biomedical Sc						scence,
	Fluorescence Emis of America, Vol. 4			1etal-Film Interfaces, F 187.	Hellen e	t al., <u>Jo</u>	urnal	of the	Optio	cal Society
	Total Internal Reflection Fluorescence Microscopy, Axelrod, Methods in Cell Biology, Vol. 30, pp. 245-270, 1989.									
EXAMINER				DATE CONSIDERED						

	49 RMATION DISCLO TON IN AN APPLIC			OCKET NUMBER LJL 109A1		APPLIO 09/759			UMB	ER
OIP E SO	N E		I I	PPLICANT ouglas N. Modlin						
E MR 1 b	W. Cot		1	FILING DATE GROUP ART UNIT January 12, 2001						
ENT & TRAD	9	U.S. PA	TEN	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME		CLASS		JB ASS		IL. DATE APPROP.
										····
		FOREIGN	PAT	ENT DOCUMENT	ΓS					
	DOCUMENT NUMBER	DATE		COUNTRY	CLA		UB .ASS	YE		LATION NO
0 266 881 A2 05/11/88 E)				ХХ	<u> </u>	,
0	542 422 A1	EPO				XΣ	<u> </u>			
0	0 977 037 A1 02/02/00 H									XX
1	1 003 020 A1 05/24/00									XX
1	003 039 A1	05/24/00	EPO							XX
D	E29805613U1	07/09/98	Gern	nany						XX
		OTH	IFR D	OCUMENTS			···		·	
· ·	Emission of Fluores			Axelrod et al., Methods	in Ce	ll Biolog	y, Vo	ol. 30,	pp. 3	99-416,
				n Adsorbed as the Solia o. 1, pp. 192-203, June			ıce, T	ilton	et al.,	Journal of
		Internal Reflect	ion Flu	Fab Fragment to Supporescence Microscopy,						
	Surface Diffusion of November 1990.	Surface Diffusion of Interacting Proteins, Tilton et al., Biophysical Journal, Vo. 58, pp. 1321-1326, November 1990.								
				s in Substrate-Supporte py, Poglitsch et al., <u>Bio</u>						
				es in Membranes Mea lochemistry, Vol. 29, p					Reflec	tion
EXAMINER				DATE CONSIDERED						

CITA	149 DRMATION DISCLOTION IN AN APPLI			OCKET NUMBER JL 109A1		appli 09/75			UMBI	ER
PE STATE				PPLICANT ouglas N. Modlin					<u>.</u>	
ER C .	90 W.			FILING DATE January 12, 2001 GROUP ART UNIT						
PATENT & TRADE		U.S. PA	TEN	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME		CLASS		JB ASS	FIL. DATE IF APPROP.	
		FOREIGN	 DAT	ENT DOCUMEN	rs		<u></u>			
	DOCUMENT NUMBER	DATE	IAI	COUNTRY	CLAS		SUB LASS	YE		LATION NO
		OTH	IER D	OCUMENTS	<u> </u>	<u> </u>	•	<u> </u>	·	
		scence Recovery		cceptor Binding on Ce Photobleaching, Helle						
	Evanescent Interf Vol. 61, pp. 542-			orescence Microscop	y, Abn	ey et al	., <u>Bio</u>	physi	ical Jo	urnal,
	PCR Reaction Ve	ssels brochure,	Corning	g Costar Corporation,	Septen	ber 19	96.			
	50-watt Sölarc, W	elch Allyn, Feb	ruary l	997						
	Miniprep 50 Mini	Sample Process	sor bro	chure, Tecan AG, June	e 1997	•				
	Advanced Microp	olate Washers br	ochure	, Tecan AG, July 1997	7.					-
	Genesis Series Ro	botic Sample Pr	rocesso	rs brochure, Tecan AC	G, Octo	ber 19	97.			
	Genesis Robotic I	Microplate Proce	essor b	rochure, Tecan AG, N	ovemb	er 1997	7. 			
				prochure, Tecan AG N						
		·····		ate Luminometer broc				997.		
	-	 		brochure, Tecan AG,	Febru	ary 199	98.			
	The SPECTRA Family brochure, Tecan AG, February 1998.									
				Labsystems, May 1998						
	Genesis Logistics	Workstation bro	ochure,	Tecan AG, July 1998	·					
EXAMINER				DATE CONSIDERED						

I.	49 PRMATION DISCLO TION IN AN APPLIC			OCKET NUMBER JL 109A1			LICATIO 259,71		UMBI	ER
OFE	**************************************			PPLICANT ouglas N. Modlin						
KR 16 TO	W OFFICE.			FILING DATE January 12, 2001 GROUP ART UNIT						
CATENT & TR	de	U.S. PAT	EN'	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME CLASS				ЛВ ASS		L. DATE APPROP.
	FOREIGN PATENT DOCUMENTS									
DOCUMENT DATE COUNTRY CLASS SUB TRANSLATION YES NO										LATION NO
	,	OTHE	R D	OCUMENTS						
	Genesis Assay Wor	rkstation brochur	e, Te	can AG, July 1998.						
	Polarion brochure,	Tecan AG, Augu	ıst 19	98.						
	A Catalog of Reage BioScience Compa			Accessories of Life Sc	eience	Resea	arch, Bo	ok 2,	, Packa	ard
	CytoFluor Fluoresc	ence Multi-Well	Plate	e Reader Brochure, Pe	rSept	ive Bi	osysten	ıs, 19	98.	
	Setting the Standar	d, the HTS Comp	oatibi	lity Program brochure	, Cor	ning I	corpor	ated,	1998.	
	Microplate Instrum	entation catalogu	ie, La	absystems, 1998.						
	Luc-Screen brochu	re, Tropix, Inc.,	1998.			<u></u>				
	Nunc Products 199	8-99 Catalog, Na	ilge N	Nunc International, 19	98.					
	Advanced Micropla	ate Washers, Tec	an A	G, April 1999.						
	Everything's Great	When It Sits on	a Chi	p, Sinclair, The Scien	tist, \	/ol. 13	, No. 1	l, Ma	y 24,	1999.
	Assay Miniaturiza	ation for High-	Thro	ughput Screening, F	Panfi	li, Sep	tember	199	9.	
<u> </u>	CyBi™-Disk bro	chure, CyBio A	.G, C	October 1999.						
	TWISTER™, Teca	n's Automated M	/licro	plate Handler brochur	e, Te	can A	3, Nove	mber	1999	
	Magellan, Instrume	nt Control and D	ata A	analysis Software broc	hure,	Tecar	AG, N	oven	nber 19	999.
	Handout Informat Format, CyBio A			sAutomated Liqu	id-H	andlir	g in th	e Mi	cropla	ate
EXAMINER				DATE CONSIDERED						

EITAT	RMATION DISCLO			OCKET NUMBER LJL 109A1		APPLIO 09/759			UMBI	ER		
6	如劃		1	PPLICANT ouglas N. Modlin								
OLD E 30	AN WELL		l l	LING DATE muary 12, 2001	1	GROUI	P AR	(UN	IT			
TENT & T		U.S. PA	TEN	ENT DOCUMENTS								
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME		CLASS	L. DATE APPROP.					
	FOREIGN PATENT DOCUMENTS											
	DOCUMENT DATE COUNTRY CLASS SUB TRANSLATION YES N											
		OTHER DOCUMENTS										
	Absorbance Readers brochure, Tecan AG, December 1999.											
	ULTRA – The Sol 1999.	lution for HTS a	nd As	say Development broc	hure, T	ecan A	ustria	Gm	bН, D	ecember		
	CyBi™-PlateSafe	brochure, CyBio	AG,	May 2000								
	CyBi™-Lumax 1,	536 brochure, Cy	yBio A	AG, May 2000								
	CyBi™-Well 2000	brochure, CyBi	io AG	, May 2000								
	Packard BioScience Packard BioScience			s the Fusion™ Univers 2000.	sal Mic	roplate	Anal	lyzer	Press	Release,		
	Fusion™, Univers	al Microplate Ar	nalyze	r, Packard BioScience	Comp	ıny, Aı	ıgust	2000				
	ProxiPlate internet	description pag	e, Pac	kard BioScience Comp	pany, p	rinted	Septe	mber	17, 20	000.		
	Approaching the Greiner Laborted			ge: 384 Well Small V 00.	/olum	vs. 1	536 V	Well	Plate	s poster,		
	SPECTRAmax®	GEMINI XS	broch	ure, Molecular Devi	ces Co	rp., Ju	ıne 2	000				
	SPECTRAmax®	PLUS ³⁸⁴ broc	hure,	Molecular Devices	Corp.,	June 2	2000.					
	-	Labcyte: Research and Clinical Instruments for Life Sciences brochure, Arlena Research LLC, August 1, 2000.										
	CyBi™-Screen-I	CyBi™-Screen-Machine: One System-Many Solutions brochure, CyBio AG, 2000.										
	Reacti-Bind™ Me	tal Chelate High	Bindi	ing CapacityPlates flye	r, Pier	e Chei	mical	Com	pany,	2000.		
EXAMINER				DATE CONSIDERED								

CITA	ORMATION DISCLO			OCKET NUMBER LJL 109A1			PLICAT 759,7		VUMBI	ER
6	TOTAL TE			PPLICANT ouglas N. Modlin						
KR16	MARKOE			LING DATE muary 12, 2001		GRO	OUP AF	T UN	1IT	
PATENT &	TRADE	U.S. P.	TEN	T DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME		CLAS		SUB LASS		IL. DATE APPROP.
	FOREIGN PATENT DOCUMENTS									
	DOCUMENT NUMBER	DATE		COUNTRY	CLA	ss	SUB CLASS	Y	TRANS ES	SLATION NO
		OTH	IER D	OCUMENTS						
	Reacti-Bind TM Me	etal Chelate Plat	es flye	r, Pierce Chemical Cor	mpan	y, 200	00.			:
	Reacti-Bind™ Ne Company, 2000.	utrAvidin™ Hiş	gh Bind	ding Capacity (HBC)	Coate	d Plat	es Flye	r, Pie	rce Che	emical
	Reacti-Bind™ Ne	utrAvidin™ and	i Strep	tavidin Coated Plates I	Flyer,	Pierc	e Chen	nical (Compa	ny, 2000.
	Reacti-Bind™ Str Company, 2000.	eptavidin High	Bindin	g Capacity [HBC] Coa	ited P	lates	Flyer, I	'ierce	Chemi	ical
	Nunc Life Science	Discovery Pro	ducts c	atalog, Nalge Nunc In	ternat	ional	Corpor	ation	, 2000.	
				Theory and Applicatio I, pp. 47-79, undated.	ns at	Biosu	ırfaces,	Hell	en et al	•••
	FLIPR 384: Essen	tial Technology	for Dr	rug Discovery brochur	e, Mo	olecula	ar Devi	ces C	orp., w	ndated .
	Acumen Explorer	brochure, Acun	nen, un	dated.						
	FLUOstar Galaxy	brochure, BMC	Labte	chnologies GmbH, un	dated					
	LUMIstar Galaxy	brochure, BMG	Labte	chnologies GmbH, un	dated.					
	NEPHELOstar brochure, BMG Labtechnologies GmbH, undated.									
	POLARstar Galaxy brochure, BMG Labtechnologies GmbH, undated.									
	POLARstar Galaxy flyer, BMG Labtechnologies GmbH, undated.									
	REMP 384 Tube	rechnology flye	r, REM	IP (USA) Inc., undated	d.					
EXAMINER				DATE CONSIDERED						

CITA	DRMATION DISCLO			OCKET NUMBER JL 109A1		PPLICA 9/759,			UMBI	ER
ORE	AND TO THE		1	PPLICANT ouglas N. Modlin	<u> </u>					
N.	SANK OFFICE.			FILING DATE GROUP ART UNIT January 12, 2001						
"ATEN1	a TRA	U.S. PA	TEN'	T DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME	CL	CLASS SUB FIL. CLASS IF AI				
					<u> </u>					
		FOREIGN	PAT	ENT DOCUMEN	ΓS			-		
	DOCUMENT NUMBER	DATE		COUNTRY	CLASS	SUI		YES		LATION NO
			-							
		ОТН	ER D	OCUMENTS						<u>. </u>
	REMP 96-Techno	logy flyer, REM	IP (US	A) Inc., undated.						
	Complete Sealing	Solutions for Sa	ample I	ntegrity flyer, REMP	(USA) In	c., und	lated	i.		
	High Throughput	Screening brock	ure, G	reiner America, Inc., u	ındated.					
	PW 384 brochure,	Tecan, undated	l.							
		_		· · .						
				s \$-					-	-
										-
		<u></u>			·-					
					.,					·
						•				
		 								
				<u> </u>						
EXAMINER				DATE CONSIDERED						